IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 10th day of October, 2006
First Bail Application No. 923 of 2006

Criminal Side

Manoj Kumar Jayaswal
S/o Gaya Prasad Jayaswal
R/o Ashok Hotel ke peeche Mugali Garden
Bhola Nath Garden Haldwani
P.S. Haldwani, District Nainital ……..Applicant

Versus

State of Uttaranchal ……..Opposite Party

Arising out of Crime No. 2762 of 2006
Under Section: 302, 120B I.P.C.
P.S.: Haldwani
District: Nainital.

Hon'ble Prafulla C. Pant, J

Heard Shri M.S. Malik, learned counsel for the applicant and Shri Amit Bhatt, learned A.G.A. for the State.

Applicant- Manoj Kumar Jayaswal, who is in jail in connection with crime No. 2762 of 2006, relating to offence punishable under Section 302, 120B I.P.C., P.S. Haldwani, District- Nainital, has sought his release on bail.

Applicant is not named in the First Information Report. From the perusal of the record, it appears that three persons namely Anil Jayaswal, David and Deepak Pathni, fired at the deceased, who died of the injuries received by him. At this state it is not clear what is the specific role of the applicant in the commission of crime.

In the facts and circumstances, without expressing any opinion, as to the final merits of the case, this Court is of the view that the applicant deserves bail. Let the applicant-Manoj Kumar Jayaswal be released on bail on executing personal bond and on furnishing two sureties, each of the like amount to the satisfaction of the Chief Judicial Magistrate, Nainital.

Dt. 10.10.2006 **(Prafulla C. Pant, J.)**
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